

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

11 December 2003
9:30 a.m.

Bayside Conference Room
Pier 1
Port of San Francisco
San Francisco, California

MEMBERS PRESENT:

Gary Hernandez (Public Member), Acting Chairman
Douglas Bosco (Public Member)
Jeremy M. Hallisey (Public Member)
Charles Lester (Designated Representative, Coastal Commission)
Mike Spear (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

Michael Endicott, representing Assemblymember John Laird (District 27)
Jeff Arthur, representing Assemblymember Hannah-Beth Jackson (District 35)

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Pat Peterson, Deputy Attorney General

2. APPROVAL OF MINUTES:

The Minutes of the October 23, 2003 Public Meeting were approved without change.

3. COASTAL FORESTLANDS ACQUISITION:

Karyn Gear of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Chris Kelly, representing the Conservation Fund; and Craig Bell, Garcia River Watershed Coordinator. Mr. Spear moved for adoption of the staff recommendation with an amendment to condition 6 of the resolution.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ten million dollars (\$10,000,000) to The Conservation Fund (TCF) to acquire the approximately 23,500-acre Coastal Forestlands, Ltd. property in Mendocino County (Mendocino County Assessor Parcel Nos. as listed in Exhibit 3 to the accompanying staff recommendation), subject to the following conditions:

1. Prior to the disbursement of funds for acquisition TCF shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy ("the Executive Officer"):
 - i. All relevant acquisition documents, including but not limited to an appraisal, environmental assessments, agreement of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property; and
 - ii. Evidence that TCF has obtained all funds necessary to complete the acquisition.
 - b. Enter into a memorandum of agreement or other instrument acceptable to the Executive Officer requiring periodic payment to the Conservancy of one-third of future timber revenues generated by the property in excess of reasonable costs of management. At the request of the Executive Officer, the instrument shall be recorded. Once a forest management plan has been approved consistent with condition 6, below, the Conservancy, TCF, and, if deemed appropriate by the Executive Officer, other funders of the acquisition, shall enter into a more detailed arrangement establishing the terms and conditions under which excess revenues will be distributed, and the Conservancy's priority of receipt.
2. TCF shall pay no more than fair market value for the property as established in an appraisal approved by the Executive Officer.
3. TCF shall permanently dedicate the property for habitat and resource protection, open space preservation, sustainable timber harvest and public access in a manner acceptable to the Executive Officer.
4. TCF shall acknowledge Conservancy funding by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
5. TCF shall repay the Conservancy four million dollars (\$4,000,000) by December 31, 2004.
6. TCF shall prepare and submit for approval by the Executive Officer, in consultation with the California Department of Fish and Game and Department of Forestry, a forest management plan for the property within a reasonable time after acquiring the property, but no later than December 31, 2005. The plan shall include, *inter alia*, descriptions of specific lands and preserve areas, definitions of operative terms such as "excess revenues," and monitoring procedures. The plan shall be updated periodically."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251 *et seq.*) regarding enhancement of coastal resources.

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservation Fund is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Motion passed by a vote of 4-0. Mr. Bosco recused himself from voting on this item.

4. SALMON CREEK ESTUARY ENHANCEMENT PLAN:

Richard Retecki of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) to the Occidental Arts and Ecology Center (OAEC) for the preparation of an enhancement plan for the Salmon Creek estuary in southwestern Sonoma County, subject to the condition that prior to the disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a detailed work program, a budget and schedule, and the names of any contractors and subcontractors to be employed."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Occidental Arts and Ecology Center is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Motion passed by a vote of 5-0.

5. MARSH CREEK STEWARDSHIP PROGRAM:

Mary Small of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes:

1. Acceptance of a grant of three hundred fifty-seven thousand one hundred forty-six dollars (\$357,146) from the California Bay Delta Authority Ecosystem Restora-

tion Program to implement a public outreach program in the Marsh Creek watershed in Contra Costa County and to conduct planning for restoration of lower Marsh Creek in Oakley, California; and

2. Disbursement of an amount not to exceed one hundred ten thousand dollars (\$110,000) to the Natural Heritage Institute for implementation of the public outreach program and restoration planning for lower Marsh Creek, subject to the condition that prior to the disbursement of any funds, the Natural Heritage Institute shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule, budget and any contractors to be employed in implementation of the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160–31164, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area, and with the authority of the Conservancy under Section 31104 to apply for and accept funding from public and private sources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Natural Heritage Institute is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code”

Motion passed by a vote of 5-0.

6. SONOMA BAYLANDS PUBLIC ACCESS:

Tom Gandesbery of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Amy Crawford, representing the Sonoma Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Sonoma Land Trust (SLT) for the construction of public access trail facilities and associated site management at Sonoma Baylands Wetlands Restoration Project in Sonoma County, subject to the following conditions:

1. Prior to the disbursement of funds for access improvements and related costs, SLT shall submit for the review and approval of the Executive Officer of the Conservancy:

- a. Evidence that all necessary permits and approvals have been obtained;
 - b. A work program, including but not limited to, budgets and schedules, plans and specifications;
 - c. The names and qualifications of contractors to be employed to undertake the work; and
 - d. A signage plan for the project acknowledging Conservancy participation.
2. The Sonoma Land Trust shall manage the site for passive recreational use pursuant to a separate work program approved by the Executive Officer; and shall execute and record in the Official Records of Sonoma County an agreement to provide public access and to protect the public interest in improvements funded under this authorization, in accordance with Section 31116(c) of the Public Resources Code and Section 831.5 of the Government Code."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project authorization is consistent with Public Resources Code Sections 31160-31164, regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Motion passed by a vote of 5-0.

7. FIRST STREET PENINSULA PIER ACCESS IMPROVEMENTS:

Ann Buell of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the City of Benicia to pay for improvements to the 1.2-acre staging area of the First Street Peninsula Pier, including porous asphalt paving, striping, curbs, lighting, stormwater drainage, extension of a paved perimeter trail, two or more interpretive signs, and Americans with Disabilities Act (ADA)-accessible parking spaces and restroom. Prior to the disbursement of any Conservancy funds, the City of Benicia shall submit for the review and written approval of the Executive Officer a detailed work program, budget and schedule for project completion; and the names and qualifications of any contractors and subcontractors to be used."

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The First Street Peninsula Pier Access Improvements project is consistent with Public Resources Code Sections 31160-31164, regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The First Street Peninsula Pier Access Improvements project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

8. ARROYO VIEJO RESTORATION PROJECT:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Lesley C. Estes, City of Oakland Watershed Program Supervisor.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the City of Oakland to restore a portion of Arroyo Viejo Creek and to construct five outdoor classrooms along the creek, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has reviewed and approved in writing:

1. A final work plan, including a final budget and schedule, for the project;
2. Any contractors or subcontractors to be used;
3. A signing plan for the project acknowledging Conservancy participation; and
4. Written evidence that all permits and approvals necessary for the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

9. SOUTH BAY SALT PONDS: FACILITATION AND PUBLIC OUTREACH:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to California State University Sacramento to lead a collaborative planning process and public outreach efforts for the South Bay Salt Pond Restoration Project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

10. LAGUNA DE SANTA ROSA: RESTORATION MANAGEMENT PLAN AND PHASE II SEDIMENTATION STUDY:

Maxene Spellman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dan Schurman, Executive Director of the Laguna de Santa Rosa Foundation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) to the Laguna de Santa Rosa Foundation to create a restoration management plan, and disbursement of an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) to the Sonoma County Water Agency to conduct a Phase II sedimentation study and create detailed designs and environmental documentation for one or more implementation projects, both disbursements related to the restoration of the Laguna de Santa Rosa in Sonoma County.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Laguna de Santa Rosa Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

11. SAN FRANCISCO BAY PLAN IMPLEMENTATION ASSISTANCE:

Nadine Hitchcock of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes acceptance from the San Francisco Bay Conservation and Development Commission of thirty thousand one hundred seventy dollars (\$30,170) to assist the Commission with implementation of the San Francisco Bay Plan, in accordance with a permit which was the mechanism for obtaining the funds; and further authorizes disbursement of these funds to the Richardson Bay Regional Agency (Agency) to carry out habitat enhancement in Richardson Bay.

The authorization to disburse funds to the Agency is subject to the condition that prior to disbursement of any Conservancy funds, the Agency shall submit for the review and written approval of the Executive Officer of the Conservancy:

1. A work program, budget and schedule for the project.
2. The names and qualifications of any contractors that the Agency intends to employ to carry out the project.
3. Evidence that the Agency has obtained all applicable permits and approvals for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160-31164 regarding the San Francisco Bay Area Conservancy Program.
2. The proposed Richardson Bay project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

12. PISMO BEACH COASTAL TRAIL:

Timothy Duff of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred fifteen thousand dollars (\$115,000) to the City of Pismo Beach (City) for construction of a two-mile segment of the coastal trail subject to the condition that prior to the disbursement of funds for construction, the City shall submit for the review and approval of the Executive Officer of the Conservancy:

1. Evidence that the City has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
2. A final work program, including final construction drawings, a final budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
3. A signing plan for the project acknowledging Conservancy participation.
4. The trail design shall be consistent with the Conservancy’s Standards and Recommendations for Accessway Location and Development.
5. Evidence that the City has opened and will maintain for public access the existing public access easement located on San Luis Obispo County Assessor Parcel Nos. 005-163-024, -025, -026, and -027, shown on Exhibit 6 to the accompanying staff recommendation.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 *et seq.* of Division 21 of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Mitigated Negative Declarations and Mitigation Monitoring Programs adopted by the City of Pismo Beach on February 12, 2002 and the City of Grover Beach on January 9, 2001, collectively attached as Exhibits 4 and 5 to this staff recommendation, and concurs that the project, as mitigated, will not have a significant effect on the environment as defined in 14 Cal. Code of Regulations Section 15382.
4. The proposed project serves greater than local needs.”

Motion passed by a vote of 5-0.

13. UPPER NEWPORT BAY ECOSYSTEM RESTORATION:

Trish Chapman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Susan Brodeur, representing Orange County.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed twelve million five hundred thousand (\$12,500,000) to the County of Orange to implement the Upper Newport Bay Ecosystem Restoration project, subject to the following conditions:

1. Prior to commencement of construction and to disbursement of any funds to the County, the County shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, project budget and timeline.
 - b. The names and qualifications of any contractors or subcontractors that the County intends to employ to construct the project.
 - c. Evidence that all applicable permits and approvals for the project have been obtained.
2. The County shall implement the Mitigation Measure Monitoring Program adopted by the County on June 26, 2001 for the project in compliance with the California Environmental Quality Act.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign in the project area, which has been reviewed and approved by the Executive Officer of the Conservancy.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 5.5 of the Public Resources Code (Section 31220) regarding watershed restoration projects and Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding coastal resource enhancement projects.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

14. NCCP PROGRAM IMPLEMENTATION: OTAY RIVER WATERSHED PROPERTIES:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed thirteen million eight hundred twenty-six thousand two hundred ninety-eight dollars (\$13,826,298) to the Department of Fish and Game, for the acquisition of the Otay Lakes and Rancho Jamul properties, as described in Exhibits 2A and 2B of the accompanying staff recommendation, to implement the City of San Diego’s Multiple Species Conservation Program (MSCP), subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of each property, the Conservancy’s Executive Officer shall review and approve all relevant acquisition documents, including but not limited to an appraisal, agreement of purchase and sale and documents of title; and all other funds necessary to carry out the acquisition shall be provided.
2. The Department shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services.
3. All funds disbursed pursuant to this authorization shall be derived from the Wildlife Conservation Board’s grant to the Conservancy for Natural Communities Conservation Planning (NCCP) acquisitions.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Conservancy’s Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed acquisitions are consistent with and will help to carry out Public Resources Code Sections 31251-31270 regarding enhancement of coastal resources.
2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

15. CARBON-LA COSTA BEACH SCENIC VISUAL ACCESS ACQUISITION:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby adopts the Carbon-La Costa Beach Acquisition Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 2; adopts the Mitigation and Monitoring Program for the Carbon-La Costa Beach Acquisition, attached to the accompanying staff recommendation as Ex-

hibit 6; and authorizes the disbursement of an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000) to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu (Los Angeles County Assessor Parcel No. 4451-004-031) for scenic visual and passive public access, as more specifically described in Exhibit 1 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of the property the State Public Works Board shall authorize the acquisition of the property pursuant to the Property Acquisition Law (Government Code Sections 15750 *et seq.*)
2. The property shall be dedicated for scenic visual and passive public access.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Conservancy's Executive Officer.
4. The Conservancy shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31400 *et seq.* regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project serves greater than local need.
4. The Conservancy has reviewed the proposed Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2, and finds that the project avoids, reduces or mitigates the possible significant effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
5. There is no evidence before the Conservancy that the project will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code 711.2.
6. The Conservancy, has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

Motion passed by a vote of 5-0.

16. CONSENT ITEMS:

A: SCWRP SCIENCE ADVISORY PROJECT:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) of Coastal Impact Assistance Program funds to the Southern California Coastal Water Research Project (SCCWRP) to implement the Southern California Wetlands Recovery Project Science Advisory Project, subject to the condition that prior to the disbursement of any funds, SCCWRP shall submit for review and approval of the Executive Officer of the Conservancy a work program, budget, schedule and any contractors or subcontractors to be employed for these tasks.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

4. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.
5. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.”

B: SANTA MONICA BAY RESTORATION:

Resolution:

“The State Coastal Conservancy hereby authorizes the following actions to implement the Santa Monica Bay Restoration Plan (the “Bay Plan”), approved by the Conservancy on August 2, 2001, as more specifically described in the accompanying staff recommendation:

- a. For the Redondo Beach Bluffs Restoration Pilot Project, disburse an amount not to exceed sixty-two thousand nine hundred fifty-seven dollars (\$62,957) to the Los Angeles Conservation Corps; and
- b. For the Malibu Creek Recycled Water Line Extension, disburse an amount not to exceed four hundred forty-four thousand dollars (\$444,000) to the Las Virgenes Municipal Water District.

These authorizations are subject to the condition that prior to disbursement of funds for any individual project, the grantee shall submit the following for review and written approval of the Executive Officer of the Conservancy:

1. A final work program, schedule and budget for the project;
2. All contractors to be employed for the project;

3. Evidence of all permits and approvals for the project; and
4. For only the Redondo Beach Bluffs Restoration Pilot Project, a program for the installation of sign(s).”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The project proposed for funding has been identified in the respective Local Coastal Plan as requiring action to resolve existing or potential resource protection problems, consistent with Public Resources Code Section 31252.
4. The Los Angeles Conservation Corps is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

C: HAMMONS ACQUISITION AND RESTORATION:

Resolution:

“The State Coastal Conservancy hereby amends its January 24, 2002 authorization regarding disbursement of funds to the Bay Foundation of Morro Bay for restoration planning to authorize use of these funds for preparing conceptual design and preliminary engineering plans and cost estimates, subject to the following condition:

Prior to disbursement of any funds for preparation of the conceptual designs, preliminary engineering plans and cost estimates, the Bay Foundation of Morro Bay shall submit for the review and approval of Executive Officer written evidence that it has available to it an amount totaling no less than two hundred thousand dollars (\$200,000) in non-state funds for the purpose of preparing the restoration plans; and a work program, budget, schedule and the names of any contractors or subcontractors to be employed for these tasks.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization remains consistent with the Conservancy’s January 24, 2002 authorization and findings regarding the Conservancy’s enabling legislation; Project Selection Criteria and Guidelines; Coastal Act; and Local Coastal Program Policies (Exhibit 2).

2. The project is consistent with the goals and objectives of the Conservancy's Strategic Plan."

D: STONYBROOK CREEK FISH PASSAGE:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Center for Ecosystem Management and Restoration to prepare conceptual designs for modifications of two fish migration barriers in Stonybrook Creek, a tributary of Alameda Creek, subject to the condition that prior to the disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing a work plan, budget and schedule, and any contractors or subcontractors to be employed in these tasks."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Stonybrook Creek Fish Passage project is consistent with the purposes and criteria set forth in of Chapter 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31164) regarding the Conservancy's mandate to address resource goals of San Francisco Bay Area; and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
2. The Center for Ecological Management and Restoration is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

E: BAXTER CREEK RESTORATION DESIGN AND PUBLIC ACCESS:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the City of El Cerrito to produce final construction documents for restoration of Baxter Creek and the creation of a multi-use trail; the development of a maintenance and management plan for this public open space; environmental documents and permits for construction; and the design and development of interpretive signs and an educational kiosk, subject to the condition that prior to the disbursement of any Conservancy funds, the City of El Cerrito shall submit for the review and written approval of the Executive Officer a detailed work program, budget and schedule for project completion; and the names and qualifications of any contractors and subcontractors to be used."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160-31164 regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

F: PRINCE MEMORIAL GREENWAY PHASE 2004:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thirty-seven thousand six hundred dollars (\$137,600) to the City of Santa Rosa to construct pathway and fencing improvements as part of Phase 2004 of the Prince Memorial Greenway trail development and riparian restoration on Santa Rosa Creek."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared by and adopted on August 12, 1997, by the City of Santa Rosa, attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the construction of pathway improvements and fencing as part of the Prince Memorial Greenway Phase 2004 implementation will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no substantial evidence before the Conservancy that the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

G: WATERSHED AND HAZARDOUS CONDITIONS SIGNS: SONOMA COUNTY:

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the Southern Sonoma County Resource

Conservation District (SSCRD) for the design, production, and placement of watershed signs and public safety signs related to hazardous river conditions, for the Russian River and Sonoma Creek watersheds, subject to the condition that prior to the disbursement of any funds, the SSCRD shall submit for the review and approval of the Conservancy's Executive Officer a work program, a budget and production schedule, a placement plan, and contractors and subcontractors to be employed."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resource Code, Sections 31400 *et seq.*
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve more than local needs."

Motion passed by a vote of 5-0.

H: POMO BLUFFS PARK IMPROVEMENTS: ENGINEERING AND DESIGN:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement to the City of Fort Bragg of an amount not to exceed seventy-eight thousand dollars (\$78,000) to conduct engineering and design of access improvements at Pomo Bluffs Park, subject to the condition that prior to disbursement of any funds, the City of Fort Bragg shall submit for the review and written approval of the Executive Officer of the Conservancy a work plan, budget and schedule, and the names and qualifications of any contractors and subcontractors to be used."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs."

Motion passed by a vote of 5-0.

I: POINT CABRILLO RESTORATION:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred fourteen thousand one hundred dollars (\$614,100) to the Point Cabrillo Lightkeepers Association (PCLK) for restoration of the eastern lightkeeper’s residence and management of the public use improvements at the Point Cabrillo Light Station. Prior to the disbursement of any funds under this authorization, the PCLK shall submit for the approval of the Executive Officer a detailed work program and budget, approved by the Department of Parks and Recreation, for the activities being funded.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Point Cabrillo Lightkeepers Association is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with and will help to carry out the Point Cabrillo Restoration Plan and the Property Disposition Implementation Plan adopted by the Conservancy in April 2001, pursuant to Division 21 of the Public Resources Code.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared by the California Department of Parks and Recreation and adopted on December 1, 2003, attached as Exhibit 3 to the accompanying staff recommendation, and finds that there is no substantial evidence that with incorporation of revisions and mitigation measures detailed in Exhibit 3, the project will have a significant effect on the environment as defined in 14 Cal. Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the Point Cabrillo Restoration project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.”

Motion passed by a vote of 5-0.

J: HUMBOLDT PERMIT COORDINATION PROGRAM:

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to fifty thousand dollars (\$50,000) to Sustainable Conservation to develop and implement a permit coordination program, which includes proposed Best Management Practices, in order to reduce the duration, cost and complexity of the regulatory review process for proposed habitat restoration projects, and thus encourage the implementation of voluntary water quality and habitat improvement projects on private lands in Humboldt County. Prior to the disbursement of any funds, Sustainable Conservation shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule, budget for the project, and shall demonstrate that adequate funds are available from other sources to complete the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and criteria set forth in Chapters 5.5 and 6 of Division 21 of the Public Resources Code (Sections 31251 *et seq.*) regarding watershed restoration projects and enhancement of coastal resources, respectively.
2. The proposed authorization is consistent with the Project Selection Criteria and guidelines adopted by the Conservancy on January 24, 2001.
3. Sustainable Conservation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

17. EXECUTIVE OFFICER’S REPORT:

The proposed Meeting Schedule for 2004 was approved without objection.

Mr. Schuchat noted that the Conservancy’s January meeting would include a policy report on Educational Assistance projects and the first annual report under the Conservancy’s Strategic Plan.

Alison Healy, executive Director of Sail San Francisco, presented a report on the work of Sail San Francisco.

The next meeting will be held on Thursday, January 29, 2004.

18. DEPUTY ATTORNEY GENERAL’S REPORT:

There was no Deputy Attorney General’s report.

19. BOARD MEMBER COMMENTS:

There were no other comments by Board Members.

20. PUBLIC COMMENTS:

Patrick M. Rump and John Solomon, representing Literacy for Environmental Justice, spoke to the Conservancy in support of the Yosemite Slough South Basin Watershed Research Project, currently under development for future Conservancy consideration.

21. CLOSED SESSION:

The Conservancy adjourned to closed session to confer with counsel regarding City of Malibu and David Geffen v. Access for All, California Coastal Commission, California Coastal Conservancy, et al., Los Angeles Superior Court Case No. BC277034. Session was closed to the public pursuant to Government Code Section 11126(e).

23. ADJOURNMENT:

The meeting was adjourned at 12:30 p.m.

TDS